

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MONA GARNER,)	
)	
Plaintiff,)	
)	
v.)	Case No. 14 CV 2034
)	
CLEARSTAFF, INC.)	Honorable Judge Gettleman
)	
Defendant.)	Magistrate Judge Rowland

**MOTION FOR ENTRY OF JUDGMENT IN FAVOR OF DEFENDANT
CLEARSTAFF, INC. AND AGAINST PLAINTIFF MONA GARNER**

Defendant ClearStaff, Inc. (“ClearStaff”), by and through its attorneys of record, for its motion for entry of judgment in its favor and against Plaintiff Mona Garner (“Garner”), states as follows:

1. On May 14, 2015, the Court ordered ClearStaff to file its motion for summary judgment (the “Motion”) in this matter by June 26, 2015 and for Garner to respond to the Motion by July 27, 2015.

2. Accordingly, on June 26, 2015, ClearStaff filed its Motion as ordered by the Court.

3. Garner failed to file her response to the Motion by July 27, 2015.

4. Garner also did not file a motion for an extension of time to respond to the Motion on or before July 27, 2015.

5. On August 4, 2015, Garner’s counsel contacted ClearStaff’s counsel and requested an agreement to the Court’s extension for Plaintiff to file the response by August 24, 2015. ClearStaff’s counsel agreed to the proposed extension.

6. As a result, on August 7, 2015, Garner filed an unopposed motion for an extension. On August 12, 2015, the Court granted the motion for an extension and ordered

Garner to respond to the Motion by August 24, 2015.

7. In violation of the Court's order (again), Garner failed to respond to the Motion by August 24, 2015.

8. Garner also (again) did not file a motion for an extension of time to respond to the Motion on or before August 24, 2015.

9. Instead, on August 24, 2015, Garner's counsel again contacted ClearStaff's counsel and requested that ClearStaff agree to an extension for Plaintiff to file the response by August 28, 2015. ClearStaff's counsel agreed to the proposed extension as long as Garner's counsel agreed that this would be the final extension of time and that Garner's anticipated motion to extend would include this language. Garner's counsel agreed.

10. On August 25, 2015, Garner's counsel requested an agreement to an additional extension until September 1, 2015 to file the response. ClearStaff's counsel again agreed not to oppose the proposed extension until September 1, 2015 as long as Garner's counsel agreed that this would be the final extension of time and that any motion would include this language. Garner's counsel again agreed.

11. Despite the parties' agreement regarding Garner's third extension of time to respond to the Motion, Garner again failed to respond to the Motion by September 1, 2015.

12. Garner has never filed any motion to extend time to file her response later than the Court's August 24, 2015 extended deadline.

13. ClearStaff has been more than accommodating to Garner regarding her response to the Motion as evidenced by ClearStaff's agreement to three extensions of time for Garner to respond. Indeed, Garner has been in possession of the Motion for more than two (2) months. ClearStaff's counsel has actively defended this matter from day one; ClearStaff's counsel cannot

now sit idly by while this matter is prolonged and its Motion languishes without so much as the required (and twice ordered) response from Garner.

14. In light of Garner's numerous failures to respond to ClearStaff's well-founded Motion, ClearStaff respectfully requests that the Court enter judgment in favor of ClearStaff and against Garner on Garner's Amended Complaint and award ClearStaff its costs incurred in defending this matter.

WHEREFORE, Defendant ClearStaff, Inc. respectfully requests that this Honorable Court enter judgment in its favor and against Plaintiff Mona Garner on Garner's Amended Complaint and award ClearStaff its costs in defending this matter, and any such further relief as this Honorable Court deems just and appropriate.

Respectfully Submitted,

CLEARSTAFF, INC.,

September 2, 2015

By: /s/ Christopher S. Wunder
Christopher S. Wunder (cwunder@kpglaw.com)
Eric D. Kaplan (ekaplan@kpglaw.com)
KAPLAN PAPADAKIS & GOURNIS, P.C.
180 N. LaSalle Street
Suite 2108
Chicago, Illinois 60601
Phone: (312) 726-0531
Fax: (312) 726-4928